



February 18, 2005

SENATE BILL No. 335

DIGEST OF SB 335 (Updated February 17, 2005 12:50 pm - DI 58)

Citations Affected: IC 4-21.5; IC 5-14; IC 5-29; IC 6-1.1; IC 8-3; IC 8-21; IC 9-21; IC 14-10; IC 14-13; IC 14-18; IC 14-20; noncode.

Synopsis: Office of tourism. Establishes the office of tourism. Transfers tourism functions of the lieutenant governor (transferred from the department of commerce in P.L.4-2005) to the office of tourism. Makes other conforming changes.

Effective: July 1, 2005.

Simpson, Meeks

January 11, 2005, read first time and referred to Committee on Appropriations.
February 17, 2005, amended, reported favorably — Do Pass.

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February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 335

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005,
2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]: Sec. 5. This article does not apply to the following
4 agency actions:

5 (1) The issuance of a warrant or jeopardy warrant for the
6 collection of taxes.

7 (2) A determination of probable cause or no probable cause by the
8 civil rights commission.

9 (3) A determination in a factfinding conference of the civil rights
10 commission.

11 (4) A personnel action, except review of a personnel action by the
12 state employees appeals commission under IC 4-15-2 or a
13 personnel action that is not covered by IC 4-15-2 but may be
14 taken only for cause.

15 (5) A resolution, directive, or other action of any agency that
16 relates solely to the internal policy, organization, or procedure of
17 that agency or another agency and is not a licensing or

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enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, **the office of tourism development**, the department of environmental management, the tourist information and grant fund review committee, the Indiana development finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.4-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or

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(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, **the office of tourism development**, the Indiana development finance authority, or economic development commissions.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do

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the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 3. IC 5-14-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. (a) Records relating to negotiations between the office of tourism development and industrial, research, or commercial prospects are excepted from section 3 of this chapter at the discretion of the office of tourism development if the records**

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are created while negotiations are in progress.

(b) Notwithstanding subsection (a), the terms of the final offer of public financial resources communicated by the office of tourism development to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(c) When disclosing a final offer under subsection (b), the office of tourism development shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

SECTION 4. IC 5-29 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 29. OFFICE OF TOURISM DEVELOPMENT

Chapter 1. Definitions

Sec. 1. The definitions set forth in this chapter apply throughout this article.

Sec. 2. "Agritourism" means the act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for purposes of enjoyment, education, or active involvement in the activities of the farm or operation.

Sec. 3. "Council" refers to the Indiana tourism council established by IC 5-29-5-1.

Sec. 4. "Director" refers to the director of the office of tourism development appointed under IC 5-29-2-2.

Sec. 5. "Office" refers to the office of tourism development established by IC 5-29-2-1.

Chapter 2. Office of Tourism Development

Sec. 1. The office of tourism development is established.

Sec. 2. The lieutenant governor shall appoint the director of the office.

Sec. 3. (a) The director of the office serves at the pleasure of the lieutenant governor.

(b) The director is the executive and chief administrative officer of the office.

(c) The director is entitled to compensation in an amount to be fixed by the lieutenant governor with the approval of the budget agency.

Sec. 4. The director may hire employees as necessary in the performance of the office's functions. Salaries of personnel shall be fixed by the director, with the approval of the lieutenant governor and the budget agency.

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1 **Sec. 5. (a) The office may do the following:**

2 (1) Cooperate with federal, state, and local governments and
3 agencies in the coordination of programs to promote tourism.

4 (2) Receive and expend funds, grants, gifts, and contributions
5 of money, property, labor, and other things of value from
6 public and private sources, including grants from agencies
7 and instrumentalities of the state and the federal government.

8 **The office:**

9 (A) may accept federal grants for providing planning
10 assistance, making grants, or providing other services or
11 functions necessary to political subdivisions, planning
12 commissions, or other public or private organizations;

13 (B) shall administer these grants in accordance with the
14 terms of the grants; and

15 (C) may contract with political subdivisions, planning
16 commissions, or other public or private organizations to
17 carry out the purposes for which the grants were made.

18 (3) Request assistance, information, and advice regarding the
19 duties and functions of the office from an officer, agent, or
20 employee of the state. The head of any other state department
21 or agency may assign any of the department's or agency's
22 employees to the office on a temporary basis, or may direct a
23 division or agency under the department's or agency's
24 supervision and control to make a special study or survey
25 requested by the director.

26 (4) Disseminate information concerning and advertise or
27 contract to advertise the cultural, recreational, quality of life,
28 and tourism advantages of Indiana.

29 (5) Plan, direct, and conduct research activities.

30 (b) The office shall assist in the development and promotion of
31 Indiana's tourist resources, facilities, attractions, and activities.

32 **Sec. 6. The director may establish advisory committees to advise**
33 **the office on issues determined by the director. If the director**
34 **establishes an advisory committee under this section, the advisory**
35 **committee must:**

36 (1) have members that represent diverse geographic areas and
37 economic sectors of Indiana; and

38 (2) include members or representatives of tourism
39 organizations.

40 **An advisory committee member is not entitled to salary or per**
41 **diem.**

42 **Sec. 7. The director may adopt rules under IC 4-22-2 to carry**

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out this article.

Chapter 3. Tourism Information and Promotion Fund

Sec. 1. As used in this chapter, "fund" refers to the tourism information and promotion fund established by section 4 of this chapter.

Sec. 2. As used in this chapter, "promotion" includes the planning and conducting of information and advertising campaigns.

Sec. 3. As used in this chapter, "tourism group" means a private nonprofit corporation established under Indiana law whose purposes include the promotion of tourist resources and facilities in Indiana.

Sec. 4. (a) The tourism information and promotion fund is established within the state treasury. The fund shall be used for the purposes of this chapter.

(b) The fund consists of appropriations from the general assembly and gifts, donations, bequests, devises, and contributions received by the office.

(c) The office shall administer the fund. The following may be paid from money in the fund:

(1) Grants.

(2) Expenses of administering the fund.

(3) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

Sec. 5. The office may make grants from the fund to tourism groups for the promotion of tourist resources and facilities in Indiana. However, each grant must be matched by funds provided by the applicant, and the office may not provide more than one-half (1/2) of the funds for a project. The matching funds required from the applicant may be provided by any source except other state funds.

Sec. 6. (a) The office shall establish guidelines for the application and approval of grants.

(b) The office may seek the recommendations from the council when making a determination to approve or reject a grant

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1 application.

2 Sec. 7. Promotional materials produced with the assistance of
3 funds provided under this chapter must include the following
4 statement: "Produced in cooperation with the Indiana Office of
5 Tourism Development." Promotional materials must also include
6 a statement provided by the office.

7 Sec. 8. The office may adopt rules under IC 4-22-2 to carry out
8 this chapter.

9 **Chapter 4. Indiana Tourism Council**

10 **Sec. 1. The Indiana tourism council is established.**

11 **Sec. 2. The council consists of the following members:**

12 (1) The lieutenant governor.

13 (2) Two (2) members of the senate, who may not be members
14 of the same political party, appointed by the president pro
15 tempore of the senate, for a term of one (1) year.

16 (3) Two (2) members of the house of representatives, who may
17 not be members of the same political party, appointed by the
18 speaker of the house of representatives, for a term of one (1)
19 year.

20 (4) Six (6) regional tourism industry representatives,
21 appointed by the respective tourism regions, for a term of one
22 (1) year.

23 (5) Twelve (12) representatives of the private sector,
24 appointed by the governor, for a term of two (2) years. One
25 (1) representative must own or operate an agritourism
26 business.

27 (6) The director.

28 (7) The commissioner of the Indiana department of
29 transportation.

30 (8) The director of the department of natural resources.

31 (9) A member appointed by the Indiana Hotel and Lodging
32 Association, for a term of one (1) year.

33 (10) A member appointed by the Restaurant and Hospitality
34 Association of Indiana, for a term of one (1) year.

35 (11) A member appointed by the Association of Indiana
36 Convention and Visitor Bureaus, for a term of one (1) year.

37 (12) A member appointed by the Council of Indiana
38 Attractions, for a term of one (1) year.

39 (13) A member appointed by the Indiana Gaming Association,
40 for a term of one (1) year.

41 (14) A member appointed by the Recreation Vehicle Indiana
42 Council, for a term of one (1) year.

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(15) A member appointed by the Indiana Bed and Breakfast Association, for a term of one (1) year.

(16) A member appointed by the Indiana State Festival Association, for a term of one (1) year.

(17) A member who lives in a rural community and is interested in agritourism, appointed by the Indiana rural development council, for a term of one (1) year.

Sec. 3. (a) Seventeen (17) members of the council constitute a quorum.

(b) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(c) The lieutenant governor shall serve as chairperson of the council.

(d) The council shall adopt written procedures to govern the transaction of business by the council.

(e) A member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also not entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

Sec. 4. (a) The council shall do the following:

(1) Assist in developing goals and objectives for the office.

(2) Analyze the results and effectiveness of grants made by the office.

(3) Build commitment and unity among tourism industry groups.

(4) Create a forum for sharing talent, resources, and ideas regarding tourism.

(5) Encourage public and private participation necessary for the promotion of tourism.

(6) Make recommendations to the office regarding matters involving tourism.

(7) Make recommendations concerning grants from the tourism information and promotion fund.

(8) Make budget recommendations to the lieutenant governor.

(b) The council may establish advisory groups to make recommendations to the office on tourism research, development, and marketing.

Sec. 5. The council may receive funds from any source and may expend funds for activities necessary, convenient, or expedient to carry out the council's purposes.

Sec. 6. The office shall provide administrative services to the

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council, as directed by the lieutenant governor.

Sec. 7. The council shall submit an annual report to the governor and to the general assembly in an electronic format under IC 5-14-6 not later than November 1 each year.

SECTION 5. IC 6-1.1-43-1, AS AMENDED BY P.L.4-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to the following economic development incentive programs:

(1) Grants and loans provided by the Indiana economic development corporation under IC 5-28 **or the office of tourism development under IC 5-29.**

(2) Incentives provided in an economic revitalization area under IC 6-1.1-12.1.

(3) Incentives provided under IC 6-3.1-13.

(4) Incentives provided in an airport development zone under IC 8-22-3.5-14.

SECTION 6. IC 8-3-1-21.1, AS AMENDED BY P.L.4-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.1. (a) Upon receiving notice of intent to abandon railroad rights-of-way from any railroad company, the department shall, upon receipt, notify:

(1) the county executives, county surveyors, and cities and towns of the counties affected;

(2) the Indiana economic development corporation; ~~and~~

(3) the office of tourism development; and

~~(3)~~ **(4)** the department of natural resources; of the notice.

(b) Within one (1) year of a final decision of the Interstate Commerce Commission permitting an abandonment of a railroad right-of-way, the railroad shall remove any crossing control device, railroad insignia, and rails on that part of the right-of-way that serves as a public highway and reconstruct that part of the highway so that it conforms to the standards of the contiguous roadway. The Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the highway may restore the crossing if the unit:

(1) adopts construction specifications for the project; and

(2) enters into an agreement with the railroad concerning the project.

The cost of removing any crossing control device, railroad insignia, rails, or ties under this subsection must be paid by the railroad. The cost of reconstructing the highway surface on the right-of-way must be

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1 paid by the Indiana department of transportation or the county, city, or
2 town department of highways having jurisdiction over the crossing.

3 (c) If a railroad fails to comply with subsection (b), the Indiana
4 department of transportation or the county, city, or town department of
5 highways having jurisdiction over the crossing may proceed with the
6 removal and reconstruction work. The cost of the removal and
7 reconstruction shall be documented by the agency performing the work
8 and charged to the railroad. Work by the agency may not proceed until
9 at least sixty (60) days after the railroad is notified in writing of the
10 agency's intention to undertake the work.

11 (d) This section does not apply to an abandoned railroad
12 right-of-way on which service is to be reinstated or continued.

13 (e) As used in this section, "crossing control device" means any
14 traffic control device installed by the railroad and described in the
15 National Railroad Association's manual, Train Operations, Control and
16 Signals Committee, Railroad-Highway Grade-Crossing Protection,
17 Bulletin No. 7, as an appropriate traffic control device.

18 (f) Costs not paid by a railroad under subsection (b) may be added
19 to the railroad's property tax statement of current and delinquent taxes
20 and special assessments under IC 6-1.1-22-8.

21 (g) Whenever the Indiana department of transportation notifies the
22 department of natural resources that a railroad intends to abandon a
23 railroad right-of-way under this section, the department of natural
24 resources shall make a study of the feasibility of converting the
25 right-of-way for recreational purposes. The study must be completed
26 within ninety (90) days after receiving the notice from the Indiana
27 department of transportation. If the department of natural resources
28 finds that recreational use is feasible, the department of natural
29 resources shall urge the appropriate state and local authorities to
30 acquire the right-of-way for recreational purposes.

31 SECTION 7. IC 8-21-9-12, AS AMENDED BY P.L.4-2005,
32 SECTION 116, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The department has
34 jurisdiction only over two (2) major new continental or intercontinental
35 airport facilities designed and constructed to serve a part of Indiana or
36 adjacent states.

37 (b) The department may designate the location and character of all
38 airport facilities which the department may hold, own, or over which
39 it is authorized to act and to regulate all matters related to the location
40 and character of the airport facilities.

41 (c) The department may designate the location and establish, limit,
42 and control points of ingress to and egress from any airport property.

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1 (d) The department may lease to others for development or
2 operation the parts of any airport or airport facility on terms and
3 conditions as the department considers necessary.

4 (e) The department may make directly, or through hiring of expert
5 consultants, investigations, and surveys of whatever nature, including,
6 but not limited to, studies of business conditions, freight rates, airport
7 services, physical surveys of the conditions of structures, and the
8 necessity for additional airports or for additional airport facilities for
9 the development and improvement of commerce and for the more
10 expeditious handling of commerce, and to make studies, surveys, and
11 estimates as are necessary for the execution of its powers under this
12 chapter.

13 (f) The department may make and enter into all contracts,
14 undertakings, and agreements necessary or incidental to the
15 performance of its duties and the execution of its powers under this
16 chapter. When the cost of any such contract for construction, or for the
17 purchase of equipment, materials or supplies, involves an expenditure
18 of more than five thousand dollars (\$5,000), the department shall make
19 a written contract with the lowest and best bidder after advertisement
20 for not less than two (2) consecutive weeks in a newspaper of general
21 circulation in Marion County, Indiana, and in such other publications
22 as the department shall determine. Such notice shall state the general
23 character of the materials to be furnished, the place where plans and
24 specifications therefor may be examined, and the time and place of
25 receiving bids. Each bid shall contain the full name of every person or
26 company interested in it and shall be accompanied by a sufficient bond
27 or certified check on a solvent bank that if the bid is accepted a
28 contract will be entered into and the performance of its proposal
29 secured. The department may reject any and all bids. A bond with good
30 and sufficient surety, as shall be approved by the department, shall be
31 required of all contractors in an amount equal to at least fifty percent
32 (50%) of the contract price conditioned upon the faithful performance
33 of the contract.

34 (g) The department may fix and revise periodically and charge and
35 collect equitable rates, fees, rentals, or other charges for the use of any
36 airport facility or airport facilities under its control, which rates, fees,
37 rentals, or other charges shall be in amounts reasonably related to the
38 cost of providing and maintaining the particular airport facility or
39 airport facilities for which these rates, fees, rentals, and other charges
40 are established.

41 (h) The department may make application for, receive, and accept
42 from any federal agency, grants for or in aid of the planning,

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1 construction, operating, or financing of any airport facility, and to
 2 receive and accept contributions from any source of either money,
 3 property, labor, or other things of value, to be held, used and applied
 4 for the purposes for which made, in each case on such terms and
 5 conditions as the department considers necessary or desirable. The
 6 department may enter into and carry out contracts and agreements in
 7 connection with this subsection.

8 (i) The department may appear in its own behalf before boards,
 9 commissions, departments, or other agencies of the federal government
 10 or of any state or international conference and before committees of the
 11 Congress of the United States and the general assembly of Indiana in
 12 all matters relating to the designs, establishment, construction,
 13 extension, operations, improvements, repair, or maintenance of any
 14 airport or airport facility operated and maintained by the department
 15 under this chapter, and to appear before any federal or state agencies
 16 in matters relating to air rates, airport services and charges,
 17 differentials, discriminations, labor relations, trade practices, and all
 18 other matters affecting the physical development of and the business
 19 interest of the department and those it serves.

20 (j) The department may contract for the services of consulting
 21 engineers, architects, attorneys, accountants, construction and financial
 22 experts, and such other individuals as are necessary in its judgment.
 23 However, the employment of an attorney shall be subject to such
 24 approval of the attorney general as may be required by law.

25 (k) The department may do all things necessary and proper to
 26 promote and increase commerce within its territorial jurisdiction,
 27 including cooperation with civic, technical, professional, and business
 28 organizations and associations, **the office of tourism development,**
 29 and the Indiana economic development corporation.

30 (l) The department may establish and maintain a traffic bureau for
 31 the purpose of advising the department as to the airport's competitive
 32 economic position with other airports.

33 (m) The department may contract for the use of any license, process,
 34 or device, whether patented or not, which the department finds is
 35 necessary for the operation of any airport facility, and may permit the
 36 use thereof by any lessee on such terms and conditions as the
 37 department may determine. The cost of such license, process, or device
 38 may be included as part of the cost of the airport facility.

39 (n) The department may issue airport revenue bonds and airport
 40 revenue funding bonds.

41 (o) The department may do all acts and things necessary or proper
 42 to carry out the powers expressly granted in this chapter.

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SECTION 8. IC 9-21-4-5 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in
 subsection (b), a person may not place or maintain upon a highway a
 traffic sign or signal bearing commercial advertising. A public
 authority may not permit the placement of a traffic sign or signal that
 bears a commercial message.

(b) Under criteria to be jointly established by the Indiana
 department of transportation and the ~~department office of commerce;~~
tourism development, the Indiana department of transportation may
 authorize the posting of any of the following:

(1) Limited tourist attraction signage.

(2) Business signs on specific information panels on the interstate
 system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana
 department of transportation for a business sign posted under this
 subsection shall be paid by the business.

(c) A person may not place, maintain, or display a flashing, a
 rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device
 or for an authorized warning device on an emergency vehicle.

(d) This section does not prohibit the erection, upon private property
 adjacent to highways, of signs giving useful directional information and
 of a type that cannot be mistaken for official signs.

SECTION 9. IC 14-10-1-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The natural
 resources commission is established. The commission consists of
 twelve (12) members as follows:

(1) The commissioner of the Indiana department of transportation
 or the commissioner's designee.

(2) The commissioner of the department of environmental
 management or the commissioner's designated deputy.

(3) The director of the ~~department office of commerce~~ **tourism
 development** or the director's ~~designated deputy~~ **designee**.

(4) The director of the department.

(5) The chairman of the advisory council for the bureau of water
 and resource regulation.

(6) The chairman of the advisory council for the bureau of lands
 and cultural resources.

(7) The president of the Indiana academy of science or the
 president's designee.

(8) Five (5) citizen members appointed by the governor, at least

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two (2) of whom must have knowledge, experience, or education in the environment or in natural resource conservation. Not more than three (3) citizen members may be of the same political party.

SECTION 10. IC 14-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commission consists of the following members:

- (1) The executive of Gary.
- (2) The executive of Hammond.
- (3) The executive of East Chicago.
- (4) The executive of Portage.
- (5) The executive of Michigan City.
- (6) The executive of Whiting.
- (7) The director of the ~~department of commerce~~, **office of economic development within the Indiana economic development corporation or the director's designee**, who is a nonvoting member.
- (8) The director of the department, who is a nonvoting member.
- (9) One (1) member appointed jointly by the executives of Burns Harbor, Porter, Ogden Dunes, Dune Acres, and Beverly Shores.
- (10) The director of the office of tourism development or the director's designee, who serves as a nonvoting member.**

(b) A member of the commission may designate an individual to serve on the commission in the member's place.

SECTION 11. IC 14-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following members:

- (1) One (1) resident of Vincennes appointed by the executive of Vincennes.
- (2) One (1) resident of Mount Vernon appointed by the executive of Mount Vernon.
- (3) One (1) resident of Tell City appointed by the executive of Tell City.
- (4) One (1) resident of Clarksville appointed by the legislative body of Clarksville.
- (5) One (1) resident of Lawrenceburg appointed by the executive of Lawrenceburg.
- (6) One (1) resident of Aurora appointed by the executive of Aurora.
- (7) One (1) resident of Rising Sun appointed by the executive of Rising Sun.
- (8) One (1) resident of Jeffersonville appointed by the executive of Jeffersonville.

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(9) One (1) resident of New Albany appointed by the executive of New Albany.

(10) One (1) resident of Evansville appointed by the executive of Evansville.

(11) One (1) resident of Madison appointed by the executive of Madison.

(12) One (1) resident of Terre Haute appointed by the executive of Terre Haute.

(13) One (1) resident of Vevay appointed by the legislative body of Vevay.

(14) The director of the ~~department of commerce~~ **office of economic development within the Indiana economic development corporation** or the director's designee, who is a nonvoting member.

(15) The director of the department or the director's designee, who is a nonvoting member.

(16) The director of the office of tourism development or the director's designee, who is a nonvoting member.

SECTION 12. IC 14-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following ~~fourteen (14)~~ **fifteen (15)** members:

(1) Eight (8) members who serve four (4) year terms as follows:

(A) Two (2) residents of Jeffersonville appointed by the executive of Jeffersonville.

(B) Two (2) residents of Clarksville appointed by the executive of Clarksville.

(C) Two (2) residents of New Albany appointed by the executive of New Albany.

(D) One (1) resident of Clark County appointed by the governor.

(E) One (1) resident of Floyd County appointed by the governor.

(2) The executive of Jeffersonville.

(3) The executive of New Albany.

(4) The president of the legislative body of Clarksville.

(5) The director of the ~~department office of commerce~~ **tourism development** or the director's designee, who serves as a nonvoting member.

(6) The director of the department or the director's designee, who serves as a nonvoting member.

(7) The commissioner of the Indiana department of transportation or the commissioner's designee, who serves as a nonvoting

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member.

(8) The director of the office of economic development within the Indiana economic development corporation or the director's designee, who serves as a nonvoting member.

SECTION 13. IC 14-13-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The members of the commission are the following:

(1) The director or the director's designee.

(2) One (1) individual appointed by the county executive of each county that:

(A) contains a part of the corridor; and

(B) chooses to support the activities of the commission by resolution adopted by the county executive.

(3) The director of the Indiana department of transportation, or the director's designee, who shall serve as a nonvoting member.

(4) The director of the division of historic preservation and archaeology of the department of natural resources, or the director's designee, who shall serve as a nonvoting member.

(5) The director of the department of environmental management, or the director's designee, who shall serve as a nonvoting member.

(6) The director of the office of tourism development ~~of the department of commerce~~, or the director's designee, who shall serve as a nonvoting member.

(7) The director of the office of economic development within the Indiana economic development corporation or the director's designee, who shall serve as a nonvoting member.

SECTION 14. IC 14-18-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the ~~department office of commerce~~ **tourism development**.

(b) The ~~department office of commerce~~ **tourism development** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 15. IC 14-18-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The department

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shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the ~~department office of commerce~~ **tourism development**.

(b) The ~~department office of commerce~~ **tourism development** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 16. IC 14-20-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Thousands of Hoosiers all over the nation have contributed toward the moving and restoration of this historic house and because the house has already proven to be an outstanding tourist attraction and in keeping with our great American heritage, it is the intent of this chapter that the ~~department office of commerce~~ **tourism development**, the department, and other appropriate state boards and agencies give widespread publicity to this memorial by brochure, pamphlet, or other means.

SECTION 17. IC 14-20-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following members:

(1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the ~~department office of commerce~~ **tourism development** with expertise in the tourism or film industry, to be designated by the ~~lieutenant governor~~ **director of the office of tourism development**.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

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(7) Three (3) Indiana citizens, to be appointed by the governor.
 Not more than two (2) members appointed under this subdivision
 may be members of the same political party.

SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE
 JULY 1, 2005]: IC 4-4-3.5; IC 4-4-3.6; IC 4-4-29.

SECTION 19. P.L.4-2005, SECTION 151, IS AMENDED TO
 READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 151.

(a) The duties conferred on the department of commerce relating to
~~tourism~~ and community development are transferred to the office of the
 lieutenant governor on the effective date of this act. Notwithstanding
 any other law, beginning on the effective date of this act the office of
 the lieutenant governor is also responsible for administering the
 following funds, programs, councils, and accounts:

- ~~(1) The tourism information and promotion fund.~~
- ~~(2) The tourism marketing fund.~~
- ~~(3) The Indiana tourism council.~~
- ~~(4)~~ (1) The community promotion program.
- ~~(5)~~ (2) The Indiana main street program.
- ~~(6)~~ (3) The individual development accounts program.
- ~~(7)~~ (4) The home ownership education account.

(b) The rules, policies, and guidelines adopted by:

- (1) the department of commerce concerning ~~tourism~~ and
 community development; or
- (2) an entity described in subsection (a);

before the effective date of this act are considered, on and after the
 effective date of this act, rules, policies, and guidelines of the office of
 the lieutenant governor until the office of the lieutenant governor
 adopts replacement rules, policies, and guidelines.

(c) On the effective date of this act, the office of the lieutenant
 governor becomes the owner of all property and obligations relating to
~~tourism promotion~~ and community development of the department of
 commerce. Any amounts owed to the department of commerce before
 the effective date of this act under a program administered under this
 SECTION on and after the effective date of this act by the office of the
 lieutenant governor shall be payable to the office of the lieutenant
 governor.

(d) Any appropriations to the department of commerce relating to
~~tourism~~ and community development and funds relating to ~~tourism~~ and
 community development under the control or supervision of the
 department of commerce on the effective date of this act, as determined
 by the budget agency, are transferred to the control or supervision of
 the office of the lieutenant governor on the effective date of this act.

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(e) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the lieutenant governor.

(f) This SECTION expires July 1, 2007.

SECTION 20. [EFFECTIVE JULY 1, 2005] (a) The duties conferred on the lieutenant governor relating to tourism are transferred to the office of tourism development on July 1, 2005.

(b) The rules, policies, and guidelines adopted by the lieutenant governor or department of commerce concerning tourism before July 1, 2005, are considered, on and after July 1, 2005, rules, policies, and guidelines of the office of tourism development until the office of tourism development adopts replacement rules, policies, and guidelines.

(c) On July 1, 2005, the office of tourism development becomes the owner of all property and obligations relating to tourism promotion of the lieutenant governor or department of commerce.

(d) Any appropriations to the lieutenant governor, department of commerce, or economic development entity covered by P.L.4-2005, relating to tourism and funds relating to tourism under the control or supervision of the lieutenant governor on July 1, 2005, as determined by the budget agency, are transferred to the control or supervision of the office of tourism on July 1, 2005.

(e) This SECTION expires July 1, 2007.

SECTION 21. [EFFECTIVE JULY 1, 2005] (a) A reference in any law or other document to the tourism information and promotion fund established by IC 4-4-3.5-2 (repealed by this act) shall be treated after June 30, 2005, as a reference to the tourism information and promotion fund established by IC 5-29-3-4, as added by this act.

(b) A reference in any law or other document to the Indiana tourism council established by IC 4-4-29-3 (repealed by this act) shall be treated after June 30, 2005, as a reference to the Indiana tourism council established by IC 5-29-4-1, as added by this act.

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SENATE MOTION

Madam President: I move that Senator R. Meeks be added as coauthor of Senate Bill 335.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This article does not apply to the following agency actions:

- (1) The issuance of a warrant or jeopardy warrant for the collection of taxes.
- (2) A determination of probable cause or no probable cause by the civil rights commission.
- (3) A determination in a factfinding conference of the civil rights commission.
- (4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.
- (5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.
- (6) An agency action related to an offender within the jurisdiction of the department of correction.
- (7) A decision of the Indiana economic development corporation, **the office of tourism development**, the department of environmental management, the tourist information and grant fund review committee, the Indiana development finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.
- (8) A decision to issue or not issue a complaint, summons, or similar accusation.
- (9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.
- (10) A decision concerning the conduct of an inspection,

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investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.4-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.
 - (C) The implementation of security systems.
 - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic

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development corporation, **the office of tourism development**, the Indiana development finance authority, or economic development commissions.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses,

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certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Delete pages 2 through 3.

Page 4, delete lines 1 through 38.

Page 4, line 42, delete "department" and insert "office".

Page 4, line 42, after "tourism" insert "development".

Page 5, line 2, delete "department" and insert "office".

Page 5, line 2, after "tourism" insert "development".

Page 5, line 5, delete "department" and insert "office".

Page 5, line 6, after "tourism" insert "development".

Page 5, line 10, delete "department" and insert "office".

Page 5, line 10, after "tourism" insert "development".

Page 5, line 16, delete "DEPARTMENT" and insert "OFFICE".

Page 5, line 16, after "TOURISM" insert "DEVELOPMENT".

Page 5, between lines 19 and 20, begin a new paragraph and insert:
"Sec. 2. "Agritourism" means the act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for purposes of enjoyment, education, or active involvement in the activities of the farm or operation."

Page 5, line 20, delete "2." and insert "3."

Page 5, delete lines 22 through 23.

Page 5, line 24, delete "department" and insert "office".

Page 5, line 25, after "tourism" insert "development".

Page 5, between lines 25 and 26, begin a new paragraph and insert:
"Sec. 5. "Office" refers to the office of tourism development established by IC 5-29-2-1."

Page 5, line 26, delete "Department" and insert "Office".

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Page 5, line 26, after "Tourism" insert "**Development**".
 Page 5, line 27, delete "department" and insert "**office**".
 Page 5, line 27, after "tourism" insert "**development**".
 Page 5, line 28, delete "(a)".
 Page 5, line 28, after "of" and insert "**the office**".
 Page 5, delete lines 29 through 33.
 Page 5, line 34, delete "(b)" and insert "**Sec. 3. (a)**".
 Page 5, line 34, after "director" insert "**of the office**".
 Page 5, line 36, delete "(c)" and insert "**(b)**".
 Page 5, line 37, delete "department." and insert "**office**".
 Page 5, line 38, delete "(d)" and insert "**(c)**".
 Page 5, line 39, delete "budget agency" and insert "**lieutenant governor**".
 Page 5, line 39, delete "lieutenant".
 Page 5, line 40, delete "governor." and insert "**budget agency**".
 Page 5, line 41, delete "3." and insert "**4**".
 Page 5, line 41, delete "appoint or employ deputy directors,".
 Page 5, line 42, delete "assistants, and" and insert "**hire**".
 Page 6, line 1, delete "department's" and insert "**office's**".
 Page 6, line 4, delete "4." and insert "**5**".
 Page 6, line 4, delete "department" and insert "**office**".
 Page 6, line 6, delete "make the best use" and insert "**promote tourism**".
 Page 6, delete line 7.
 Page 6, line 9, delete "interest accrued from loans made".
 Page 6, line 10, delete "by the department,".
 Page 6, line 13, delete "department:" and insert "**office:**".
 Page 6, line 23, delete "Direct that" and insert "**Request**".
 Page 6, line 24, delete "department be given to the".
 Page 6, line 25, delete "department by" and insert "**office from**".
 Page 6, line 27, delete "department" and insert "**office**".
 Page 6, line 31, after "concerning" insert "**and advertise or contract to advertise**".
 Page 6, line 35, delete "department" and insert "**office**".
 Page 6, line 35, delete "perform the following duties:" and insert "**assist**".
 Page 6, line 36, delete "(1) Assist".
 Page 6, run in lines 35 through 36.
 Page 6, delete lines 38 through 39.
 Page 6, line 40, delete "5." and insert "**6**".
 Page 6, line 40, delete "entities" and insert "advisory committees".
 Page 6, line 41, delete "department" and insert "**office**".

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Page 6, line 42, after "an advisory" delete "entity" and insert "committee".

Page 6, line 42, after "the advisory" delete "entity" and insert "committee".

Page 7, between lines 5 and 6, begin a new line blocked left and insert:

"An advisory committee member is not entitled to salary or per diem."

Page 7, line 6, delete "6." and insert "7."

Page 7, delete lines 8 through 10.

Page 7, line 22, after "4." insert "(a)".

Page 7, line 22, after "is" insert **"established within the state treasury. The fund shall be used for the purposes of this chapter."**

(b) The fund consists of appropriations from the general assembly and gifts, donations, bequests, devises, and contributions received by the office.

(c) The office shall administer the fund. The following may be paid from money in the fund:

(1) Grants.

(2) Expenses of administering the fund.

(3) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund."

Page 7, delete lines 23 through 24.

Page 7, line 25, delete "department" and insert **"office"**.

Page 7, line 28, delete "department" and insert **"office"**.

Page 7, delete lines 32 through 42, begin a new paragraph and insert:

"Sec. 6. (a) The office shall establish guidelines for the application and approval of grants.

(b) The office may seek the recommendations from the council when making a determination to approve or reject a grant application."

Page 8, delete lines 1 through 14.

Page 8, line 15, delete "9." and insert "7."

Page 8, line 17, delete "Department" and insert **"Office"**.

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Page 8, line 18, delete "Tourism." and insert **"Tourism Development." Promotional materials must also include a statement provided by the office."**

Page 8, line 19, delete "10." and insert **"8."**

Page 8, line 19, delete "department" and insert **"office"**.

Page 8, delete lines 21 through 42.

Delete page 9.

Page 10, delete line 1.

Page 10, line 2, delete "5." and insert **"4."**

Page 10, line 16, delete "Eleven (11)" and insert **"Twelve (12)"**.

Page 10, line 17, after "years." insert **"One (1) representative must own or operate an agritourism business."**

Page 10, line 22, delete "Motel" and insert **"Lodging"**.

Page 10, between lines 37 through 38, begin a new line block indented and insert:

"(17) A member who lives in a rural community and is interested in agritourism, appointed by the Indiana rural development council, for a term of one (1) year."

Page 11, delete lines 9 through 12.

Page 11, line 13, after "4." insert **"(a)"**.

Page 11, line 15, delete "department." and insert **"office."**

Page 11, delete lines 16 through 18.

Page 11, line 19, delete "(3)" and insert **"(2)"**.

Page 11, line 20, delete "department." and insert **"office."**

Page 11, line 21, delete "(4)" and insert **"(3)"**.

Page 11, line 23, delete "(5)" and insert **"(4)"**.

Page 11, line 25, delete "(6)" and insert **"(5)"**.

Page 11, line 27, delete "(7)" and insert **"(6)"**.

Page 11, line 27, delete "department" and insert **"office"**.

Page 11, delete lines 29 through 36.

Page 11, line 37, delete "(10)" and insert **"(7)"**.

Page 11, delete lines 39 through 42, begin a new line block indented and insert:

"(8) Make budget recommendations to the lieutenant governor."

(b) The council may establish advisory groups to make recommendations to the office on tourism research, development, and marketing."

Page 12, line 4, delete "department" and insert **"office"**.

Page 12, line 4, delete "support and"

Page 12, line 5, delete "council." and insert **"council, as directed by the lieutenant governor."**

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Page 12, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-43-1, AS AMENDED BY P.L.4-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to the following economic development incentive programs:

- (1) Grants and loans provided by the Indiana economic development corporation under IC 5-28 **or the office of tourism development under IC 5-29.**
- (2) Incentives provided in an economic revitalization area under IC 6-1.1-12.1.
- (3) Incentives provided under IC 6-3.1-13.
- (4) Incentives provided in an airport development zone under IC 8-22-3.5-14.

SECTION 6. IC 8-3-1-21.1, AS AMENDED BY P.L.4-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.1. (a) Upon receiving notice of intent to abandon railroad rights-of-way from any railroad company, the department shall, upon receipt, notify:

- (1) the county executives, county surveyors, and cities and towns of the counties affected;
- (2) the Indiana economic development corporation; ~~and~~
- (3) the office of tourism development; and**
- ~~(3)~~ **(4)** the department of natural resources;

of the notice.

(b) Within one (1) year of a final decision of the Interstate Commerce Commission permitting an abandonment of a railroad right-of-way, the railroad shall remove any crossing control device, railroad insignia, and rails on that part of the right-of-way that serves as a public highway and reconstruct that part of the highway so that it conforms to the standards of the contiguous roadway. The Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the highway may restore the crossing if the unit:

- (1) adopts construction specifications for the project; and
- (2) enters into an agreement with the railroad concerning the project.

The cost of removing any crossing control device, railroad insignia, rails, or ties under this subsection must be paid by the railroad. The cost of reconstructing the highway surface on the right-of-way must be paid by the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing.

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(c) If a railroad fails to comply with subsection (b), the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing may proceed with the removal and reconstruction work. The cost of the removal and reconstruction shall be documented by the agency performing the work and charged to the railroad. Work by the agency may not proceed until at least sixty (60) days after the railroad is notified in writing of the agency's intention to undertake the work.

(d) This section does not apply to an abandoned railroad right-of-way on which service is to be reinstated or continued.

(e) As used in this section, "crossing control device" means any traffic control device installed by the railroad and described in the National Railroad Association's manual, Train Operations, Control and Signals Committee, Railroad-Highway Grade-Crossing Protection, Bulletin No. 7, as an appropriate traffic control device.

(f) Costs not paid by a railroad under subsection (b) may be added to the railroad's property tax statement of current and delinquent taxes and special assessments under IC 6-1.1-22-8.

(g) Whenever the Indiana department of transportation notifies the department of natural resources that a railroad intends to abandon a railroad right-of-way under this section, the department of natural resources shall make a study of the feasibility of converting the right-of-way for recreational purposes. The study must be completed within ninety (90) days after receiving the notice from the Indiana department of transportation. If the department of natural resources finds that recreational use is feasible, the department of natural resources shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes.

SECTION 7. IC 8-21-9-12, AS AMENDED BY P.L.4-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The department has jurisdiction only over two (2) major new continental or intercontinental airport facilities designed and constructed to serve a part of Indiana or adjacent states.

(b) The department may designate the location and character of all airport facilities which the department may hold, own, or over which it is authorized to act and to regulate all matters related to the location and character of the airport facilities.

(c) The department may designate the location and establish, limit, and control points of ingress to and egress from any airport property.

(d) The department may lease to others for development or operation the parts of any airport or airport facility on terms and

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conditions as the department considers necessary.

(e) The department may make directly, or through hiring of expert consultants, investigations, and surveys of whatever nature, including, but not limited to, studies of business conditions, freight rates, airport services, physical surveys of the conditions of structures, and the necessity for additional airports or for additional airport facilities for the development and improvement of commerce and for the more expeditious handling of commerce, and to make studies, surveys, and estimates as are necessary for the execution of its powers under this chapter.

(f) The department may make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. When the cost of any such contract for construction, or for the purchase of equipment, materials or supplies, involves an expenditure of more than five thousand dollars (\$5,000), the department shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the department shall determine. Such notice shall state the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The department may reject any and all bids. A bond with good and sufficient surety, as shall be approved by the department, shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract.

(g) The department may fix and revise periodically and charge and collect equitable rates, fees, rentals, or other charges for the use of any airport facility or airport facilities under its control, which rates, fees, rentals, or other charges shall be in amounts reasonably related to the cost of providing and maintaining the particular airport facility or airport facilities for which these rates, fees, rentals, and other charges are established.

(h) The department may make application for, receive, and accept from any federal agency, grants for or in aid of the planning, construction, operating, or financing of any airport facility, and to receive and accept contributions from any source of either money,

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property, labor, or other things of value, to be held, used and applied for the purposes for which made, in each case on such terms and conditions as the department considers necessary or desirable. The department may enter into and carry out contracts and agreements in connection with this subsection.

(i) The department may appear in its own behalf before boards, commissions, departments, or other agencies of the federal government or of any state or international conference and before committees of the Congress of the United States and the general assembly of Indiana in all matters relating to the designs, establishment, construction, extension, operations, improvements, repair, or maintenance of any airport or airport facility operated and maintained by the department under this chapter, and to appear before any federal or state agencies in matters relating to air rates, airport services and charges, differentials, discriminations, labor relations, trade practices, and all other matters affecting the physical development of and the business interest of the department and those it serves.

(j) The department may contract for the services of consulting engineers, architects, attorneys, accountants, construction and financial experts, and such other individuals as are necessary in its judgment. However, the employment of an attorney shall be subject to such approval of the attorney general as may be required by law.

(k) The department may do all things necessary and proper to promote and increase commerce within its territorial jurisdiction, including cooperation with civic, technical, professional, and business organizations and associations, **the office of tourism development**, and the Indiana economic development corporation.

(l) The department may establish and maintain a traffic bureau for the purpose of advising the department as to the airport's competitive economic position with other airports.

(m) The department may contract for the use of any license, process, or device, whether patented or not, which the department finds is necessary for the operation of any airport facility, and may permit the use thereof by any lessee on such terms and conditions as the department may determine. The cost of such license, process, or device may be included as part of the cost of the airport facility.

(n) The department may issue airport revenue bonds and airport revenue funding bonds.

(o) The department may do all acts and things necessary or proper to carry out the powers expressly granted in this chapter."

Delete pages 13 through 15.

Page 16, delete lines 1 through 3.

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Page 16, line 11, after "the" strike "department" and insert "**office**".

Page 16, line 12, delete "tourism," and insert "**tourism development,**".

Page 16, line 36, strike "department" and insert "**office**".

Page 16, line 36, after "tourism" insert "**development**".

Page 16, line 37, strike "designated deputy." and insert "**designee.**".

Page 17, line 23, delete "department" and insert "**office**".

Page 17, line 23, after "tourism" insert "**development**".

Page 18, line 20, delete "department" and insert "**office**".

Page 18, line 20, after "tourism" insert "**development**".

Page 18, line 39, strike "department" and insert "**office**".

Page 18, line 39, after "tourism" insert "**development**".

Page 19, line 23, reset in roman "office".

Page 19, line 23, delete "department".

Page 19, line 23, reset in roman "development".

Page 19, line 38, strike "department" and insert "**office**".

Page 19, line 39, delete "tourism." and insert "**tourism development.**".

Page 19, line 40, strike "department" and insert "**office**".

Page 19, line 40, after "tourism" insert "**development**".

Page 20, line 10, strike "department" and insert "**office**".

Page 20, line 11, delete "tourism." and insert "**tourism development.**".

Page 20, line 12, strike "department" and insert "**office**".

Page 20, line 12, after "tourism" insert "**development**".

Page 20, line 21, before "of" strike "department" and insert "**office**".

Page 20, line 21, delete "tourism," and insert "**tourism development,**".

Page 20, line 38, strike "department" and insert "**office**".

Page 20, line 38, after "tourism" insert "**development**".

Page 20, line 40, delete "department" and insert "**office**".

Page 20, line 40, delete "tourism." and insert "**tourism development.**".

Page 21, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 19. P.L.4-2005, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 151. (a) The duties conferred on the department of commerce relating to ~~tourism and~~ community development are transferred to the office of the lieutenant governor on the effective date of this act. Notwithstanding any other law, beginning on the effective date of this act the office of the lieutenant governor is also responsible for administering the

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following funds, programs, councils, and accounts:

- ~~(1) The tourism information and promotion fund.~~
- ~~(2) The tourism marketing fund.~~
- ~~(3) The Indiana tourism council.~~
- ~~(4)~~ (1) The community promotion program.
- ~~(5)~~ (2) The Indiana main street program.
- ~~(6)~~ (3) The individual development accounts program.
- ~~(7)~~ (4) The home ownership education account.

(b) The rules, policies, and guidelines adopted by:

- (1) the department of commerce concerning ~~tourism and~~ community development; or
- (2) an entity described in subsection (a);

before the effective date of this act are considered, on and after the effective date of this act, rules, policies, and guidelines of the office of the lieutenant governor until the office of the lieutenant governor adopts replacement rules, policies, and guidelines.

(c) On the effective date of this act, the office of the lieutenant governor becomes the owner of all property and obligations relating to ~~tourism promotion and~~ community development of the department of commerce. Any amounts owed to the department of commerce before the effective date of this act under a program administered under this SECTION on and after the effective date of this act by the office of the lieutenant governor shall be payable to the office of the lieutenant governor.

(d) Any appropriations to the department of commerce relating to ~~tourism and~~ community development and funds relating to ~~tourism and~~ community development under the control or supervision of the department of commerce on the effective date of this act, as determined by the budget agency, are transferred to the control or supervision of the office of the lieutenant governor on the effective date of this act.

(e) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the lieutenant governor.

(f) This SECTION expires July 1, 2007.

SECTION 20. [EFFECTIVE JULY 1, 2005] (a) The duties conferred on the lieutenant governor relating to tourism are transferred to the office of tourism development on July 1, 2005.

(b) The rules, policies, and guidelines adopted by the lieutenant governor or department of commerce concerning tourism before July 1, 2005, are considered, on and after July 1, 2005, rules, policies, and guidelines of the office of tourism development until

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the office of tourism development adopts replacement rules, policies, and guidelines.

(c) On July 1, 2005, the office of tourism development becomes the owner of all property and obligations relating to tourism promotion of the lieutenant governor or department of commerce.

(d) Any appropriations to the lieutenant governor, department of commerce, or economic development entity covered by P.L.4-2005, relating to tourism and funds relating to tourism under the control or supervision of the lieutenant governor on July 1, 2005, as determined by the budget agency, are transferred to the control or supervision of the office of tourism on July 1, 2005.

(e) This SECTION expires July 1, 2007."

Page 22, delete lines 1 through 33.

Page 22, line 39, delete "Money in the tourism information and".

Page 22, delete lines 40 through 42.

Page 23, delete lines 1 through 9.

Page 23, line 10, delete "(c)" and insert "(b)".

Page 23, line 13, delete "IC 5-29-5-1," and insert "IC 5-29-4-1,".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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